

IC 10-17-4

Chapter 4. Leave of Absence for Military Training

IC 10-17-4-1

Restoration to former position; seniority; pay

Sec. 1. (a) This section is subject to IC 10-16-7-5 and IC 10-16-7-6.

(b) A person who:

- (1) is a qualified member of the reserve components of the armed forces;
- (2) is a member of the Ready Reserve;
- (3) is a member of an organized unit;
- (4) in order to receive military training with the armed forces of the United States not to exceed fifteen (15) days in one (1) calendar year:

(A) leaves a position other than a temporary position in the employ of an employer; and

(B) provides evidence:

- (i) defining date of departure and date of return for purposes of military training ninety (90) days before the date of departure; and
- (ii) of the satisfactory completion of the training immediately after the training is completed; and

(5) is qualified to perform the duties of the position described in clause (A);

is entitled to be restored to the person's previous or a similar position with the same status and pay.

(c) Seniority continues to accrue during a period of absence described in subsection (a), and the period of absence for military training must be construed as an absence with leave. At the discretion of the employer, the leave may be with or without pay.

As added by P.L.2-2003, SEC.8. Amended by P.L.260-2003, SEC.3.

IC 10-17-4-2

Vacation; sick leave; bonus; advances and other advantages

Sec. 2. Absence for military training does not affect an employee's right to receive normal vacation, sick leave, bonus, advancement, and other advantages of the employee's particular position.

As added by P.L.2-2003, SEC.8.

IC 10-17-4-3

Action for damages

Sec. 3. If an employer fails to comply with sections 1 and 2 of this chapter, an employee may:

- (1) bring an action at law for damages for the employer's noncompliance; or
- (2) apply to the circuit court for equitable relief that is just and proper under the circumstances.

As added by P.L.2-2003, SEC.8.

IC 10-17-4-4

Reserve member of armed forces call to receive temporary military training; restoration to former position; compensation and benefits

Sec. 4. (a) This section is subject to IC 10-16-7-5 and IC 10-16-7-6.

(b) A person who, as a reserve member of the armed forces of the United States, is called upon to receive temporary military training is entitled to a temporary leave of absence from the person's employer not to exceed fifteen (15) days per calendar year. A person described in this section shall:

- (1) provide the employer with evidence of the dates of the person's departure and return as soon as practicable before the person's departure; and
- (2) furnish the employer, upon the person's return, evidence of the person's satisfactory completion of the training.

Upon the person's return, the person shall be restored to the person's previous or similar position, with the same status that the person held before leaving for the person's training period.

(c) A leave granted under this section may be granted, with or without pay, within the discretion of the employer.

(d) A temporary leave of absence granted under this section does not affect the rights of the person to vacation leave, sick leave, or other normal benefits of the person's employment.

As added by P.L.2-2003, SEC.8. Amended by P.L.260-2003, SEC.4.

IC 10-17-4-5

Action for damages

Sec. 5. An employer that refuses to grant an employee a temporary leave of absence as provided in section 4 of this chapter is subject to a suit for any damages sustained by the person denied the leave of absence.

As added by P.L.2-2003, SEC.8.